

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

310 CMR 7.00 AIR POLLUTION CONTROL REGULATIONS

**310 CMR 7.16 U REDUCTION OF SINGLE-OCCUPANT COMMUTER
VEHICLE USE**

7.16 U Reduction of Single-Occupant Commuter Vehicle Use.

- (1) Commencing with the effective date of this Regulation each affected facility (except as provided below) shall diligently and expeditiously implement and thereafter continuously maintain the following mandatory measures which are designed to achieve a goal of reducing the number of single-occupant commuter vehicles customarily commuting daily to each employment facility as of its base date by 25 percent or as adjusted pursuant to Regulation 310 CMR 7.16(5):
- (a) making available to commuters any pass program offered by the area transit authority, if any commuter to the facility uses the public transit facilities of such Authority as part of his daily commuting trip, including making all administrative arrangements for commuters to purchase the pass and thereby participate in the pass program and encouraging commuters to participate by such means as publicizing the availability of the pass program and the cost advantages thereof.
 - (b) posting in a conspicuous place or places the schedules, rates and routes of every bus which serves the facility including the services offered by the area transit authority and any privately or publicly operated services which may exist in the immediate vicinity of the employer.
 - (c) providing incentives for bicycle commuting such as secure locking facilities and removal of restrictive rules against bicycle usage at the facility.
 - (d) negotiating with authorities in charge of bus lines serving the facility for improved service to the facility including providing information on the location and density of employees' residences and commuting times to be used for route planning by local transit authorities.
 - (e) conducting a carpooling program (either alone or in cooperation with neighboring facilities) which:

1. matches on a regularly recurring basis (not less than once every 12 months) the names, addresses, and suitable contact information of all commuters who commute in single-occupant commuter vehicles or carpool to a facility or group of neighboring facilities and who express interest in carpooling, so that such commuters with similar daily travel patterns are informed and aware of each other for the purpose of forming carpools;
 2. continuously publicizes the advantages of carpooling, both in terms of savings of fuel and money and any incentive in effect at the facility;
 3. creates incentives for carpool formation by providing persons who carpool with first call on available parking space or spaces which are closest to entrances to the facility; and,
 4. provides information for carpooling program to prospective and new employees, and offers new employees the opportunity to participate in such program.
- (f) In the case of an employment facility with 1,000 or more employees, implementing a vanpool program which shall include the following elements:
1. The employer shall:
 - a. cooperate with a non-profit third-party vanpool program and offer their employees the opportunity to participate in such a program; or
 - b. post in a conspicuous place and regularly notify all employees of an outstanding offer to acquire (by purchase, lease or otherwise), insure and make available to any group of at least 10 employees a van for their use as a vanpool. Such offer, a copy of which shall be sent to the Secretary at the time of the employer's first updated report, shall include the procedures by which vanpools are offered and the conditions upon which the offer is contingent, including acceptance by the prospective driver of the responsibility for providing regular service, training back-up drivers, and arranging vehicle maintenance, and acceptance by each other member of the prospective group of responsibility for payment of a pro rata share of all direct costs (such as rental charge, licensing costs, insurance, tolls, fuel and repair) and indirect costs (such as depreciation and interest on borrowed funds) of the operation and maintenance

of the vehicle.

- c. notify the Secretary when it is learned that 10 or more employees are interested in forming a vanpool.
2. The employer shall analyze and continuously publicize the advantages of vanpooling, including any resulting cost savings, convenience and any incentives in effect at the facility. Such incentives shall include providing persons who vanpool with first call on available parking spaces or spaces which are closest to entrances to the facility.
3. Matching for the vanpool program should be coordinated with the carpool matching program, to facilitate the formation of vanpools.

Upon reaching such a 25 percent goal, as stated at the beginning of this section, such employer shall thereafter continue such a program in such a manner as to aim at maintaining the ratio of single-occupant commuter vehicles to total commuters customarily arriving at its facility at or below the ratio referred to in Regulation 310 CMR 7.16(2)(e). If an employer or educational institution reaches and thereafter maintains said goal by implementing less than all the measures in Regulation 310 CMR 7.16(1), it shall not be subject to a requirement to implement the remainder of such measures. Commencing with the effective date of this Regulation smaller employers shall also cooperate with MASSPOOL in its efforts to promote and organize multi-employer ride-sharing activities.

- (2) MB The base date and the date for submittal of the base date report for all existing affected facilities shall be as provided in 40 CFR 52.1161, June 12, 1975. This Regulation established the base date for all existing affected facilities as October 1, 1975, except as provided below, and required a facility with more than 250 commuters to submit at least a base date report to the Secretary on October 15, 1975. The base date for an affected facility which becomes subject to the requirements of this Regulation upon its effective date shall be October 15, 1979, except as provided below. Each employer with a base date of October 15, 1979 shall submit to the Secretary their base data report for each affected facility by November 15, 1979. The base date for an affected facility which attains an employment level of 250 or more employees after the effective date of this Regulation shall be the date six months after it reaches such a level, except as provided below, and its base date report shall be due on the next date not more than six months later than is specified for any report or updated report by any existing facility. Where an employer or educational institution can establish to the satisfaction of the Secretary that a facility had commenced measures to reduce the number of single-occupant commuter vehicles customarily arriving daily at an earlier date, the Secretary may approve the use of such earlier date

as the base date for such facility. In lieu of establishing the actual number of such vehicles on such earlier date, an employer or educational institution may assume for the purpose of this Regulation that prior to such earlier date 20 percent of all commuters to such facility who arrived by motor vehicle other than mass transit customarily arrived by means other than single-occupant commuter vehicles.

PV The base date for all existing affected facilities shall be June 15, 1977, except as provided below. By June 30, 1977 each employer with a base date of June 15, 1977 shall submit to the Secretary their base date report for each affected facility. The base date for an affected facility which becomes subject to the requirements of this Regulation upon its effective date shall be October 15, 1979, except as provided below. Each employer with a base date of October 15, 1979 shall submit to the Secretary their base date report for each affected facility by November 15, 1979. The base date for an affected facility which attains an employment level of 250 or more employees after the effective date of this Regulation shall be the date six months after it reaches such a level, except as provided below, and its base date report shall be due on the next date not more than six months later than is specified for any report or updated report by an existing facility. Where an employer or educational institution can establish to the satisfaction of the Secretary that a facility had commenced measures to reduce the number of single-occupant commuter vehicles customarily arriving daily at an earlier date, the Secretary may approve the use of such earlier date as the base date for such facility. In lieu of establishing the actual number of such vehicles on such earlier date, an employer or educational institution may assume for the purpose of this section that prior to such earlier date 20 percent of all commuters to such facility who arrived by motor vehicle other than mass transit customarily arrived by means other than single-occupant vehicles.

B, CM, MV, SM The base date for all existing affected facilities shall be October 15, 1979, except as provided below. By November 15, 1979, each employer shall submit to the Secretary their base date report for each affected facility. The base date for an employment facility which attains an employment level of 250 or more employees after the effective date of this Regulation shall be the date six months after it reaches such a level, except as provided below, and its base date report shall be due on the next date not more than six months later than is specified for any report or updated report by an existing facility. Where an employer or educational institution can establish to the satisfaction of the Secretary that a facility had commenced measures to reduce the number of single-occupant commuter vehicles customarily arriving daily at an earlier date, the Secretary may approve the use of such earlier date as the base date for such facility. In lieu of establishing the actual number of such vehicles on such earlier date, an employer or educational institution may assume for the purpose of this section that prior to such earlier date 20 percent of all commuters to such facility who arrived by motor vehicle other than mass transit customarily arrived by means other than single-occupant commuter vehicles.

Each base date report shall be current and include:

- (a) The number of commuters who take any means of transportation to such facility as of its base date.
- (b) The number of single-occupant commuter vehicles customarily used daily by commuters to the facility, the number of commuters who customarily carpool in a private vehicle carrying two or more occupants, the number of commuters who customarily vanpool in a vehicle carrying eight or more occupants, the number of commuters who customarily commute by any means of public transportation, the number of employees who customarily commute by any other means of travel (taxi, bicycle, etc.).
- (c) The total number of vehicles customarily used daily by commuters to the facility as of the base date.
- (d) The percentage which the current number of daily commuters in single-occupant vehicles is of all daily commuters to the facility.
- (e) The percentage derived by taking three-quarters of the percentage calculated in Regulation 310 CMR 7.16(2)(d). This percentage will serve as the program goal for individual employers defined as the ratio of single-occupant commuter vehicles to total daily commuters to the facility.
- (f) The number of van-type vehicles with eight or more commuters customarily arriving at the facility.
- (g) The type of carpool matching program with a description of materials currently being used.
- (h) The level of participation achieved in the most recent program, including the number of data cards distributed, and returned, the number of matching lists distributed and the number of commuters in newly formed carpools.
- (i) The type of incentives offered, including parking, flexi-hours and others.
- (j) The promotional strategies used to encourage ride-sharing with copies of relevant materials excluding those supplied by MASSPOOL.
- (k) The number of vans sponsored.
- (l) The number of participants currently enrolled in a prepaid transit pass program, if applicable.

- (3) U Each affected employer shall annually update its base date report by means of a report containing:
- (a) Updated information called for in Regulation 310 CMR 7.16(2).
 - (b) The net change in percentage points between the percentage reported under Regulation 310 CMR 7.16(2)(e) as of the base date and that under Regulation 310 CMR 7.16(2)(d) as of the date of the current report.
 - (c) The net change in percentage points between the percentage reported under Regulation 310 CMR 7.16(2)(d) as of the last reporting period and the date of the current report.
 - (d) A detailed description of all measures which have been taken to reduce the number of single-occupant commuter vehicles to the facility and the commuter response to such measures.

The first such annual updated report for affected employers in the Metropolitan Boston Air Pollution Control District and the Pioneer Valley Air Pollution Control District shall be due on November 15, 1979, and successively each 12 months. The first such annual updated report for affected employers in the Berkshire Air Pollution Control District, Central Massachusetts Air Pollution Control District, Merrimack Valley Air Pollution Control District, and Southeastern Massachusetts Air Pollution Control District shall be due on November 15, 1980, and successively each 12 months.

- (4) U Each employer submitting reports required by Regulation 310 CMR 7.16(3) shall cause such reports to be signed as follows:
- (a) In the case of a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility covered by the reports.
 - (b) In the case of a partnership, by a general partner.
 - (c) In the case of a sole proprietorship, by the proprietor.
 - (d) In the case of an unincorporated association, by the president or the chairman thereof.
 - (e) In the case of municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other fully authorized employee.

Each employer submitting reports required by Regulation 310 CMR 7.16(3) shall retain for at least three years all supporting documents and data upon which each such report was based. Each report submitted pursuant to Regulation 310 CMR 7.16(3) shall be accompanied by an adequate explanation of the methodology used to gather, complete and analyze the data, the assumptions used in that analysis, and samples of the forms used to elicit the underlying information from commuters at the facility.

- (5) U Where the total number of commuters to a particular facility is changed due to fluctuation in employment between the base date and the date of any report under Regulation 310 CMR 7.16(3) such fact shall be reported at the time of the submission of such report. The goal of the employer having such a change is to attain and maintain the ratio of commuters customarily arriving at facility daily in single-occupant commuter vehicles to total commuters indicated by Regulation 310 CMR 7.16(2)(e).
- (6) U If an employer does not meet and thereafter at all times maintain the reduction specified under Regulation 310 CMR 7.16(2) in connection with each report under Regulation 310 CMR 7.16(3) it shall, upon written notification of the Secretary, submit a description of any remedial actions which it intends to take to meet the requirements of Regulation 310 CMR 7.16(2).
- (7) U If an employer in good faith diligently and expeditiously implements and thereafter continuously maintains those measures set forth in Regulation 310 CMR 7.16(2) as are applicable to it, it shall not be subject to any enforcement action even though it may fail to achieve the 25 percent goal referred to in Regulation 310 CMR 7.16(1).
- (8) U. Within 60 days after the receipt of the periodic reports required under Regulation 310 CMR 7.16(3), the Secretary shall submit to the Department a summary of the information contained in such reports, including:
 - (a) A list of all employers in the order of the percentage reduction achieved between the base dates and the date of the required report.
 - (b) The total reduction between the respective base dates and the date of the required reports of the number of single-occupant vehicles customarily used to arrive at all facilities for which reports were filed.
 - (c) A list of employers that have not complied with the provisions of Regulation 310 CMR 7.16.